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ABSTRACT

Because of the growing number of women in the work force and the many recent changes in legislation affecting women's rights related to jobs and jobseeking, a need was felt for a publication which presents general information about Federal legislation which affects women when they are seeking a job, while they are on the job, and when they retire. Much of the information in the leaflet is also applicable to other minorities and to workers in general. It presents a brief description of the relevant laws and executive orders in three areas: (1) job seeking as it relates to employment services, apprenticeships, protection against sex and age discrimination; (2) on-the-job provisions relating to pay and promotion opportunities, garnishment, maternity leave, tax deductions for child care and household help, occupational health and safety protection, compensation for injuries, unemployment insurance and unions; and (3) the retirement issues relating to social security benefits and private pension plans. To assist the user in lodging complaints or finding further information, it includes a nine-page list of addresses of national offices of Federal agencies, State offices of the Wage and Hour Division of the Department of Labor, and State labor offices and human rights commissions. (PR)

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EQUAL PAY / MATERNITY LEAVE / OVERTIME PAY / MINIMUM WAGES / CHILD CARE / UNEMPLOYMENT INSURANCE / SOCIAL SECURITY / PENSIONS / UNIONS

A WORKING WOMAN'S GUIDE

TO HER JOB RIGHTS

WOMEN'S BUREAU
EMPLOYMENT STANDARDS ADMINISTRATION
U.S. DEPARTMENT OF LABOR

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This leaflet was prepared by Rose Terlin, former Chief, Branch of Special Projects, under the general supervision of Mary N. Hilton, Deputy Director of the Women's Bureau.

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WHY WOMEN SHOULD KNOW THEIR JOB RIGHTS

Although the Federal laws described apply to the job rights of men as well as women, two factors highlight the need for a special publication addressed to women. One reason is the great increase in the number of women in the labor force. Within one decade—1963 to 1973—the number of women workers aged 16 and over increased by nearly 10 million, or 40 percent, when it climbed from 24.7 million to 34.5 million. The number of men workers increased by only 15 percent during this period.

Not only are there more women working than ever before, but they tend to work for longer periods of time than formerly—many for a stretch of 20 to 25 years after their children have entered school. In addition, many women in their forties and fifties returning to the labor force are unaware of their rights.

Another reason for directing a publication to women is that their legal rights related to jobs and jobseeking have been changing rapidly as new measures for legal protection have been added. Now written into law, and affirmed by numerous court cases, is the provision that in the labor market men and women stand equal in opportunity for hiring, for pay when work is equal or substantially equal, for advancement on the job, and for retirement benefits. The laws, covering a wide range of benefits, are only highlighted here for guidance.

It is obvious that such laws were needed when we consider that women had access largely to low-paying jobs, were often paid less than men for the same work, and had limited opportunities for advancement.

This leaflet presents general information about Federal legislation which affects women when they are seeking a job, while they are on the job, and when they retire. Data are as of January 1974 except for areas affected by the 1974 amendments to the Fair Labor Standards Act. In the interest of brevity, this leaflet does not include legislation which applies specifically to Federal employees since their somewhat different rights stem from Civil Service Commission regulations and Executive orders. The Federal Government provides regular, detailed information on job rights to all its employees.

Many States have laws in the areas covered herein, such as minimum wage, equal pay, and fair employment practices including sex discrimination. These may provide more extended coverage than Federal laws. To find out about your State law, write the Director of your State labor department (see pages 34-38 for addresses).

GETTING THE JOB

Through both laws and Executive orders the Government has sought to provide enabling services if you are seeking employment, and to further assure equal access to jobs commensurate with your ability—irrespective of sex, age, religion, race, or national origin.

Employment Services

Your local State Employment Service (ES) office provides free counseling, testing, and placement services. This joint Federal-State operation, established by the *Wagner-Peyser Act*, is also the channel for training programs under various Federal and State employment opportunity laws. Through the *Job Bank*, in which many local ES offices participate, information is readily available concerning openings throughout the country for a person of your skills and interest.

To locate the nearest ES office, look in the telephone directory under your State labor department listing, or ask at your local post office.

Apprenticeships

This is an avenue into the job market which women are now being encouraged to follow. There are about 400 apprenticeable occupations in the skilled trades. When you become an apprentice, you commit yourself to a specified period of combined on-the-job and classroom work, and receive a salary with regular increases. When you complete an apprenticeship, you receive a certificate that denotes you as a journeyman in your occupation, and you commence to receive

the full journeyman's salary. The Bureau of Apprenticeship and Training, under the *National Apprenticeship Act*, works closely with employers and unions to encourage apprenticeship programs and maintain high standards. Apprenticeship Information Centers have been set up in many key labor market areas. Inquire at your nearest Employment Service office about apprenticeship training, or write the Director of Apprenticeship at your State department of labor (see page 34 for address).

Protection Against Sex Discrimination

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in employment based on sex as well as on race, color, religion, or national origin. The act makes it unlawful for employers, labor unions, or employment agencies to discriminate in hiring or firing; wages; fringe benefits; classifying, referring, assigning, or promoting employees; extending or assigning facilities; training, retraining, or apprenticeships; or any other terms, conditions, or privileges of employment. In general, all employers of 15 or more employees are covered, except Federal agencies (covered by an Executive order), federally owned corporations, and Indian tribes. Religious institutions are exempt with respect to employing persons of a particular religion but are covered with respect to discrimination based on sex, race, color, or national origin. As of March 24, 1972, teachers and administrators in educational institutions and State and local government employees were covered.

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The Equal Employment Opportunity Commission (EEOC), which enforces title VII, has issued "Guidelines on Discrimination Because of Sex." The guidelines bar hiring based on stereotyped characterization of the sexes, classification or labeling of "men's jobs" and "women's jobs," or advertising under male or female headings and preference in the content of the advertising based on sex. They specify that the bona fide occupational qualification exemption should be interpreted narrowly, and that State laws which prohibit or limit the employment of women in certain occupations conflict with and are superseded by title VII. Accordingly, these sex-oriented State labor laws cannot be used as a reason for refusing to employ women.

Revised guidelines include a provision that where State laws require minimum wage and overtime pay for women only, these benefits must also be provided for male employees. Similar provisions apply to rest and meal periods and physical facilities, but if an employer can prove that business necessity precludes providing these benefits to both men and women, the employer shall not provide them to either sex.

Executive Order 11246, as amended, prohibits discrimination based on sex as well as on race, color, religion, or national origin by Federal contractors or subcontractors who perform work under a federal construction contract exceeding $10,000. Coverage includes all facilities of the contractor, regardless of whether they are

being used in the performance of the Federal contract. In the case of State or local governments holding contracts, coverage is limited to the agency participating in the contract. The order in general, however, does not exempt specific kinds of employment or employees.

Prohibited practices include discrimination in recruitment or recruitment advertising; hiring, upgrading, demotion, or transfer; layoff or termination; rates of pay or other compensation; and selection for training, including apprenticeship.

The Office of Federal Contract Compliance (OFCC) of the U.S. Department of Labor sets policy and regulations for implementing the Executive order. OFCC sex discrimination guidelines provide, among other things, that contractors may not advertise for employees under male and female classifications, base seniority lists on sex, deny a person a job because of State "protective" labor laws, or make distinctions between married and unmarried persons of one sex only.

"Revised Order No. 4," issued by OFCC, requires nonconstruction contractors with 50 or more employees and a contract of $50,000 or more to take affirmative action by setting written goals and timetables for recruiting, hiring, training, and upgrading minorities and women, where they have tended to cluster in low-paying, dead end jobs. This order (which has the force of law) has increased opportunities for women to be considered for jobs previously labeled "men only" and to be admitted to training which could accelerate promotion.

You have a right to complain if:

- an employer's advertisement for employees carries a sex label;
- an employer refuses to let you file an application but accepts others;
- a union or employment agency refuses to refer you to job openings;
- a union refuses to accept you into membership;
- you are fired or laid off without cause;
- you are passed over for promotion for which you are qualified;
- you are paid less than others for comparable work;
- you are placed in a segregated seniority line;
- you are left out of training or apprenticeship programs;

AND . . .

- the reason for any of these acts is your sex, race, color, religion, or national origin.

ALSO . . .

- your employer provides racially segregated lunchrooms, locker rooms, restrooms, or recreation facilities.

Send complaints under title VII of the Civil Rights Act and under Executive Order 11246 to the nearest district office of EEOC or to the national office (see page 30 for address). Under Executive Order 11246, a complaint made by a group or filed by an individual on behalf of a group should be sent to OFCC (address on page 30).

Complaints under title VII against State or local governments are sent by EEOC to the Justice Department for action. You may, however, file directly with the Justice Department.

Protection Against Age Discrimination

The *Age Discrimination in Employment Act* prohibits employers, employment agencies, and labor unions from discriminating on the basis of age against any person between the ages of 40 and 65 in hiring, firing, promotion, or other aspect of employment.

The law applies to employers of 20 or more employees, employment agencies, and labor unions of more than 25 members. It includes public employees. The law does not apply to situations in which age is a bona fide occupational qualification—such as modeling "junior miss" fashions—nor to bona fide seniority systems and benefits plans.

The law is enforced by the Wage and Hour Division of the U.S. Department of Labor. A complainant's identity is never revealed without that person's knowledge and consent. The employer cannot, under the act, fire or otherwise discriminate against a complainant who has started proceedings under the law.

To file a complaint you should write very concrete details of your experience of discrimination within 180 days of the time it occurred and send it to the Wage and Hour Division (see page 30 for address). If your State has taken action in accordance with its own laws prohibiting age discrimination, then you must file within 300 days of the alleged violation.

Pay and Promotion Opportunities

When you have become an employee you are protected by some of the provisions of the laws already discussed as well as by a number of other laws pertaining to the wages you earn, your promotion opportunities, safety, health, and several other matters described briefly below.

Minimum Wages and Overtime Pay.—The *Fair Labor Standards Act* (FLSA), as amended, known as the Federal minimum wage and hour law, covers the great majority of workers. It applies generally to employers whose gross volume of sales exceeds $250,000 a year. However, employees engaged in laundering, dry cleaning, and repair of clothes or textiles, and workers in hospitals (except Federal), nursing homes, and schools (public and private) are covered irrespective of the dollar volume the establishment grosses.

The 1974 amendments to the act extended coverage to 6.7 million additional workers. Among the newly covered are most private household workers (except casual babysitters and companions for the aged and infirm); Federal, State, and local employees not previously covered; and additional retail and service employees.

Exempted from the minimum wage and overtime provisions are employees of small, local retail or service establishments; most farmworkers; employees of some seasonal amusement or recreational establishments; outside salespeople; executive, administrative, and professional employees; and a few others.

The law requires minimum pay of $2.00 an hour and 1½ times the regular rate of pay

for overtime beyond 40 hours a week for those covered prior to the 1966 amendments. By January 1, 1976, they will be paid $2.30 an hour. Workers first covered by the 1966 and 1974 amendments started at $1.90 an hour. On January 1, 1975, their minimum wage rises to $2.00 an hour and will go up to $2.30 an hour by January 1, 1977. The minimum rate for covered agricultural workers is $1.60 an hour with no premium rate for overtime. They will be paid $2.30 an hour like all other covered workers on January 1, 1978. Tips may be considered part of wages not to exceed 50 percent of the applicable minimum rate. When an employer provides lodging, board, or other facilities, these may be considered as part of wages.

Special provisions of the act apply to learners, apprentices, handicapped workers, and full-time students. Under certain conditions they may be paid lower rates if special certificates have been obtained from the Wage and Hour Division, which administers the act.

The overtime exemptions for selected occupations or industries which existed prior to the 1974 amendments are modified, usually in successive steps, beginning January 1, 1975, or April 1, 1975, or repealed, for example, for employees of hotels, motels, and restaurants; bowling establishments; and food service workers in covered retail and service establishments. Overtime pay is generally required for all hours worked beyond 40 a week for all other covered workers except "live-in" household workers, farmworkers, and a few others. Hospitals, nursing homes, and rest homes may compute overtime after 8 hours a day

or 80 hours in a 14-day period instead of a weekly period.

The law is enforced by the Wage and Hour Division of the U.S. Department of Labor. If you have a complaint, contact the nearest office of the Wage and Hour Division (see page 30 for address). Complaints are treated in strict confidence. If there is a violation and noncompliance, the Secretary of Labor can bring suit for back pay on his own initiative or on written request of a worker. Employers cannot, by law, fire or otherwise discriminate against a worker on the basis of a complaint.

Equal Pay.—The *Equal Pay Act* of 1963 amended the FLSA to prohibit discrimination based on sex in earnings, including overtime pay and most fringe benefits. It requires equal pay for men and women in the same establishment performing substantially equal work requiring equal skill, effort, and responsibility. The work does not have to be identical. The law covers employees subject to the minimum wage requirements of the FLSA (see page 10), and it was extended to executive, administrative, and professional employees and outside salespeople on July 1, 1972.

A number of court cases have overturned long-established practices which provided a lower wage for women than for men. These practices included, for example, paying differential rates set by union contracts.

If you have a complaint, send it to the Wage and Hour Division (see page 30 for address). A complainant's identity is never revealed without that person's knowledge and consent. Employers cannot fire or discriminate against employees exercising their rights under the law.

Discrimination in Promotion.—It is a violation of both title VII of the Civil Rights Act of 1964, administered by the EEOC, and of the Executive order for Federal contractors, administered by OFCC, to be denied equal opportunity for promotion. Under both, employers must recruit, train, and *promote* persons in all job classifications without regard to sex, race, color, religion, or national origin. They must insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities. Under the affirmative action plan, outlined in Revised Order No. 4, employers are required to set goals and timetables for promoting women.

If you have a complaint of discrimination in promotion, send it to EEOC or OFCC (see page 30 for addresses).

Garnishment

Garnishment is the procedure whereby the earnings of a debtor are withheld in order to pay creditors.

The *Federal Wage Garnishment law*, enforced by the Wage and Hour Division of the U.S. Department of Labor, became effective July 1, 1970. It limits the amount of your disposable earnings which may be subject to garnishment. "Earnings" are defined as compensation paid or payable for personal services, whether called wages, salary, commission, or bonus, and include pensions and retirement pay. "Disposable earnings" are earnings remaining after the usual withholding tax deductions, required by law, are made.

Under this law, the maximum part of the total disposable earnings of an individual which is subject to garnishment

in any workweek may not exceed the lesser of: (a) 25 percent of the disposable earnings for that week or (b) the amount by which disposable earnings for that week exceed 30 times the basic Federal minimum hourly wage prescribed by the FLSA.

Restrictions on the maximum amount that may be garnished do not apply to court orders for the support of any person, bankruptcy court orders, and debts due for State or Federal taxes. These include local school taxes and court orders withholding an employee's wages for child support or alimony.

If any provision of a State law subjects less of an individual's earnings to garnishment than does the Federal law, it will be the one that is applied under a garnishment order.

Protection From Discharge.—In addition to limiting the amount of your disposable earnings which may be garnished in any one week, the Federal Wage Garnishment law protects you from discharge because of garnishment for any one indebtedness. One indebtedness means a single debt regardless of the number of levies made or the number of proceedings brought for its collection. If a creditor joins several debts in a court action and obtains a judgment and writ of garnishment, it is considered one indebtedness; or, if several creditors combine their debts in one garnishment, it is considered one indebtedness.

Discharge for a first-time garnishment is in violation of the law. In the case of tax liens, several levies to collect a single tax delinquency are treated as one indebtedness, but each specific court order for the payment of arrears in child support

or alimony is considered a separate indebtedness.

An employer is not in violation of the law by firing an employee because of garnishment for the third indebtedness in a year. However, the law does not affect or exempt any person from complying with a State law that prohibits discharge because of garnishment.

Maternity Leave

Under new guidelines issued by EEOC, an applicant or employee may not be discriminated against because of pregnancy. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, or childbirth and recovery should be considered *temporary disabilities* and as such should be treated under any health or temporary disability insurance or sick leave plan of the employer. Accrual of seniority, reinstatement, and payment under a sick leave plan or temporary disability insurance should be applied to disability due to pregnancy or childbirth.

Maternity leave is provided by the guidelines issued by OFCC, which require that if your employer has no leave policy, childbearing must be considered by the employer to be a justification for a leave of absence for a reasonable period of time. Following childbirth, and upon signifying your intent to return within a reasonable period of time, you must be reinstated to your original job or to a position of like status and pay without loss of service credits.

If you wish to file a complaint under EEOC guidelines, write to EEOC (see page 30 for address). Under OFCC guidelines file your complaint with OFCC (see page 30 for address).

Tax Deduction for Child Care and Household Help

The *Revenue Act of 1971* makes possible a deduction in Federal income taxes for "employment-related expenses" up to $400 a month for household services. This may be taken for a dependent of the taxpayer who is under 15 years old. It also applies when there is a dependent who is physically or mentally incapable of caring for himself or herself, or when the spouse of a taxpayer is so handicapped.

Expenses must be incurred for services in the taxpayer's household, *except* for the care of a dependent under 15 years of age who may be cared for outside the home. In this case, expenses may be deducted up to $200 a month for one child, $300 for two, and $400 for three or more children. The difference between the allowable amount and that actually expended for day care may be incurred for expenses in the household.

The deduction is taken as a personal expense and can be used only when the Federal income tax return is itemized ("long form"). For married couples the deduction can be taken only when a joint return is filed and both spouses are employed full time (unless one is physically or mentally incapacitated). The payments may not be made to family members, relatives, or another dependent living in the home of the taxpayer.

The law provides a sliding scale. If the adjusted gross income of a couple or single parent exceeds $18,000, the deduction is reduced 50 cents for each dollar of

additional income. When the adjusted gross joint income reaches $27,600, no advantages are realized.

The act also enables private employers to claim tax credits of 20 percent of the first year's wages paid to workers from the Work Incentive (WIN) Program, provided the new employee does not replace one already employed. (Inquire of your local WIN program.)

Occupational Safety and Health Protection

The *Occupational Safety and Health Act* is designed to ensure safe and healthful working conditions for about 60 million workers. Regional and area enforcement offices have been established in 52 locations throughout the country. Standards are in effect, worksites are under inspection, enforcement of violations is underway, and States are developing their own plans with the ultimate objective of operating their own programs that are "at least as" effective as the Federal requirements.

Excluded from coverage are Federal, State, and local government employees and workers in atomic energy, mining, and other industries covered separately by Federal law.

The Federal Government establishes standards which are mandatory. Some standards apply only to the portion of the work force in an establishment subject to injury hazards, odors, or toxic substances. Others, such as fire safety regulations, apply throughout the establishment.

If you believe that a violation of a job safety or health standard exists in your workplace, you may request an inspection by sending a signed notice, with specifics spelled out, to the Occupational Safety and Health Administration (OSHA) (see page 30 for address). If your complaint appears to merit investigation, OSHA will send a trained safety and health investigator (compliance officer) to inspect the workplace. A representative of the employer and a representative authorized by the employees will accompany the compliance officer in the inspection.

Compensation for Injuries

If you are injured on the job or contract an occupational disease, you may receive compensation under your State workers' compensation law. In the majority of States, coverage is compulsory, while the remaining States permit "elective coverage." When employers choose not to be subject to the law, they lose the right to use the common law defense in a court case, including fellow employee liability, acceptance of risk, and contributory negligence.

Since this is entirely a State system, the employees covered, the amount of compensation, the duration of time compensation is paid, and the procedure for making and adjudicating claims vary widely. You should therefore write the director of your State labor department or industrial commission for information (see page 34 for address).

Unemployment Insurance

Unemployment insurance is a weekly benefit paid for a limited time to eligible workers to tide them over between jobs when they are involuntarily unemployed. Federal law establishes certain minimum requirements. But each State administers its own program through its State Employment Security agency, paying benefits out of a State unemployment insurance fund collected from a special tax on employer payrolls. The Federal Government provides funds for benefits for its laid-off civilian and military employees.

To be eligible for benefits you must have worked long enough in covered employment to meet your State's requirements, must be involuntarily unemployed, available for and seeking work, and must not refuse a suitable job offer. Almost all employment is now covered under unemployment insurance. However, agricultural workers, household employees, local government employees, and some State government employees are not covered.

Each State specifies its eligibility requirements and amount of weekly and total benefit payments. The general rule is that the jobless worker receives 50 percent of the average weekly wage formerly received. Most States limit payments to a maximum of 26 weeks. As of December 31, 1973, minimum weekly payments for a worker without dependents varied from $5 in Hawaii to $25 in California and Colorado. Effective January 1974, maximums ranged from $49 in Mississippi to $117 in the District of Columbia.

Each State sets penalties for a disqualifying act such as a voluntary quit without good cause. Penalties can range from postponement to outright cancellation of benefits.

How Do You Apply for Benefits?—Go to the nearest local unemployment insurance office of the State Employment Security agency (listed in the phone directory under your State labor department), regardless of where you worked. You file a claim for unemployment insurance benefits and, in most cases, register for work with the Employment Service. You must continue to report to the office as required and accept assistance in jobhunting. If you do not live near a State Employment Security office, write the office nearest you. Your local post office can supply the address.

What if You Are Denied Benefits?—If you feel you have been unjustly denied benefits, you have the right to a hearing. Several levels of administrative appeal are available. Remember, the employer has the right to appeal as well as you.

Other Unemployment Allowance.—The *Disaster Relief Act* helps people in major natural disaster areas get restarted. In addition to benefits for corporations and communities, it provides disaster unemployment allowances in the form of weekly benefits for eligible individuals whose jobs or earnings are affected by the disaster. Contact your local unemployment insurance office to learn if you have an allowance coming.

Joining or Not Joining a Union

The *National Labor Relations Act*, as amended by the *Labor-Management Relations Act*, provides employees the right to form, join, or assist labor unions and to bargain collectively, through representatives of their own choosing, on wages, hours, and other terms of employment. The employee is also guaranteed the right to refrain from membership or participation in a union except where such membership is a requirement of employment. In this case, you do not have to be a member of the union to qualify for employment. Usually a grace period of not less than 30 days after employment is allowed.

Certain labor practices are labeled "unfair" and prohibited by the act. Examples of rights protected include: forming or attempting to form a union among employees of a company, joining a union whether or not it is recognized by the employer, assisting a union to organize, striking to secure better working conditions, and refraining from activity on behalf of a union.

The law also defines unfair labor practices prohibited to unions. As these affect workers rather than union-employer practices, they primarily prohibit a union from charging "excessive" dues or fees, and also prohibit the union from punishing a worker for not participating in a secondary boycott.

Exempted employees include agricultural laborers, private household workers,

independent contractors, supervisors, persons subject to the Railway Labor Act, and some public and hospital employees.

For further information write the nearest office of the National Labor Relations Board. Your local post office can supply the address.

The *Labor-Management Reporting and Disclosure Act* provides that all union members have equal rights in nominating candidates for union office, voting in union elections and referendums, and participating in membership meetings. Union fees and dues may be raised and assessments imposed only by a majority vote by secret ballot of members in good standing. A copy of the collective bargaining agreement must be available for inspection by all those covered by the agreement.

The Labor-Management Services Administration (LMSA) in the U.S. Department of Labor enforces certain sections of the law. Violation of other sections can be remedied only by a member bringing a civil action in a Federal district court. Address your questions to LMSA (address on page 30).

WHEN YOU RETIRE

Social Security Benefits

Your most valuable asset may be your social security number. It is your key to monthly social security benefits: retirement benefits at age 65 (reduced amounts are payable as early as 62); disability benefits if you become disabled before 65; and survivors' benefits to your children should you die. At age 65 benefits also include hospital insurance under medicare and, for those who choose, medical insurance. On July 1, 1973, medicare was extended to social security disability beneficiaries who were getting disability benefits for not less than 24 consecutive months. Among those covered are disabled workers at any age and disabled widows and widowers between the ages of 50 and 65. Eligibility for medicare was also extended to insured persons, beneficiaries, spouses, and dependent children who need dialysis or kidney transplants.

Approximately 9 out of 10 workers are covered by social security, including household employees and the self-employed. (Most Federal Government employees are covered under a separate system.)

While you are employed, social security contributions are deducted from your wages by your employer, who also pays an equal amount. If you are self-employed and have net earnings of $400 or more in a year, you pay social security contributions on your net earnings when you file your Federal income tax return.

To qualify for benefits, you must have credit for a certain amount of work under

social security. Most employees get credit for ¼ year of work if they are paid $50 or more in covered wages in a 3-month calendar quarter. Four quarters are counted for any full year in which a person has $400 or more in self-employment income. No one is eligible for benefits without 1½ years of work and no one needs more than 10 years of work to become fully insured.

If part or all of your earnings comes from tips, cash tips that add up to $20 or more a month from one employer count for social security. For information, contact your nearest Social Security office.

You must apply for benefits. At that time the exact amount of your monthly cash benefit is determined. You may elect to retire at age 62 instead of 65. If you retire before 65, however, your benefits are reduced to take account of the longer period of time over which you will receive payments. If you continue to work past 65, you get a special credit. This "bonus" (1 percent a year or 1/12 of 1 percent a month) is added to your retirement benefit for the time you worked and did not get benefits from ages 65 to 72.

As a wife, if you have worked and are eligible for retirement benefits on your own earnings record, you get benefits either on your own record or on your husband's, whichever gives you the larger amount. As the widow of an insured worker, you are entitled to monthly cash benefits at age 65 (or a reduced benefit as early as age 60, or between 50 and 60 if you are disabled). If you wait until age 65, the amount of your widow's benefit will be equal to the benefit

your deceased husband would have received if he were still living.

A divorced woman can get benefits on her former husband's earnings record when he retires, becomes disabled, or dies, if the marriage lasted 20 years or more.

If disabled before age 65, you may be eligible for monthly benefits if your disability prevents you from working and is expected to last 12 months or more. The number of work credits you need to qualify for benefits depends on your age when you become disabled. On July 1, 1973, medicare became available to those entitled for not less than 24 consecutive months to cash benefits for disability under the social security and railroad retirement programs.

If you become disabled before age 24, you need credit for 1½ years of work under social security in the 3 years before you became disabled. If you become disabled between 24 and 31, you need social security credits for half the time after you are 21 and before you became disabled. If you become disabled at 31 or later, you must be fully insured and have credit for 5 years of work in the 10 years just before you became disabled. If you become disabled because of blindness, you need only to be fully insured.

If you are getting disability benefits when you reach age 65, they will automatically be converted to retirement payments in the same amount. The amount of your monthly disability payment is generally the same as the retirement benefit you would get if you were 65. It is essential to apply for

disability benefits within 12 months. There is a 5-month waiting period for benefits; they begin with the sixth full month of disability.

When an insured parent becomes disabled, dies, or gets retirement benefits, the dependent children are eligible for benefits too. Dependent children include unmarried children under 18, unmarried children between 18 and 22 who are full-time students, and unmarried children over 18 who became disabled before 22 and continue to be disabled. Your children can get benefits on your record even if your husband is working.

You can continue to work after you start getting retirement benefits. However, if you are under 72 and you earn more than $2,400 in a year, as of January 1974, part of your benefits will be withheld. If you earn over $2,400, $1 of benefits is withheld for each $2 of earnings. Regardless of your total earnings in the year, you can receive the full benefit for any month in which you neither earn wages of more than $200 nor perform substantial services in self-employment. Once you reach 72, you can work and earn as much as you want without having any of your benefits withheld.

Medicare.—Another social security benefit is medicare. It is health insurance for people 65 and over and for people at any age who have been eligible for 24 months or more to receive monthly cash benefits because they are disabled. Medicare consists of hospital insurance and medical insurance.

Hospital insurance helps pay for inpatient hospital care, posthospital care in an extended care facility, and home health services. Nearly everyone who reached 65 before 1968 is eligible, including those not fully covered for social security benefits. If you reached 65 after 1968 and are not eligible for monthly cash benefits, you need some credit for work under social security to qualify for hospital insurance, or you will have to pay a premium.

Medical insurance helps pay for doctors' bills, outpatient hospital services, home health services, and many other services and supplies not covered by hospital insurance. Although medical insurance is voluntary, you get this protection automatically unless you say you do not want it. You pay a monthly premium for medical insurance protection; beginning July 1, 1974, the amount will be $6.70 instead of the present $6.30 a month. The Federal Government currently pays an equal amount.

After you pay the first $60 of medical expenses in a year, medical insurance pays 80 percent of the reasonable charges for doctors' services and other services and supplies, such as rental or purchase of medical equipment, outpatient physical therapy services, and the cost of home health services.

If you are entitled to monthly cash retirement benefits, you will automatically have hospital and medical insurance at 65. To find out if you are eligible, get in touch with any Social Security office in the 3-month period before you reach 65, even though you are not retiring.

For further information contact your nearest Social Security office. If it is not listed in the telephone directory, your local post office can supply the address.

Private Pension Plans

Many workers are covered by private pension plans. Some of these are established and controlled by the employer; some are negotiated with unions in collective bargaining agreements; some are "contributory," where the employee also pays into the fund; and some are "noncontributory," where the employer provides the total input. At present more than 30 million workers are covered by private pension plans. However, plans vary widely in the amount of benefits provided on retirement. It is wise to inquire how long you must work for the company before you have a vested right to retirement benefits. "Vested" relates to the number of required years of employment with the firm before you are eligible for retirement benefits. "Vested" often also includes meeting an age requirement. You may work for 20 years for a company and then your job is abolished, severing you from employment. You can lose all your pension rights. There is a strong movement afoot to examine company pension plans to insure greater equity for the employee. If you are married, you should find out if you have any rights under your husband's pension plan.

The *Welfare and Pension Plans Disclosure Act*, administered by the U.S. Department of Labor, gives employee benefit participants and their beneficiaries the

right to obtain information about their companies' plans. Employers must file descriptions of their plans and annual reports with the Secretary of Labor. Consult the administrator of the plan in your company to find out how old you must be and how many years of service you need to receive benefits, what provisions there are for disability retirement, whether you are vested and when, and how you apply for benefits. You should also inquire how your benefits will be affected if you change your job (or union membership), if you stop working before the specified retirement age, or if the company ceases operations or terminates the retirement plan.

An employer may not discriminate between men and women with respect to insurance and other fringe benefits. Benefits limited to "head of household" or "principal wage earner" are discriminatory.

SOURCES OF ASSISTANCE

FEDERAL AGENCIES

National Offices

Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210

Office of Federal Contract Compliance, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210

Office of Labor-Management and Welfare Pension Reports, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216

Social Security Administration, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201

U.S. Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C. 20506

Women's Bureau, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210

Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210 (See also list of field offices below.)

Inquiries about laws administered by the Wage and Hour Division should be addressed to the nearest office. Consult the list below. Offices shown in italics are staffed by investigative personnel whose duties frequently require them to be away from the office. Telephone messages and requests for information may be left at these offices when investigators are not on duty at the office. Personal appointments may be made by either telephone or mail.

Alabama: *Andalusia, Anniston,* Birmingham, *Dothan, Florence, Gadsden, Huntsville,* Mobile, Montgomery, *Opelika, Selma, Tuscaloosa*

Alaska: *Anchorage*

Arizona: Phoenix, *Tucson*

Arkansas: *El Dorado, Fayetteville, Fort Smith, Hope, Jonesboro,* Little Rock, *Pine Bluff*

California: *Bakersfield,* Fresno, Hollywood, Long Beach, Los Angeles, *Modesto, Monterey,* Oakland, *Redding, Riverside,* Sacramento, *San Diego,* San Francisco, *San Jose, San Mateo, Santa Ana, Santa Rosa, Stockton, West Covina,* Whittier

Colorado: Denver, *Pueblo*

Connecticut: *Bridgeport,* Hartford, *New Haven, New London*

Delaware: *Wilmington*

District of Columbia: College Park

Florida: *Clearwater, Cocoa, Fort Lauderdale, Fort Myers,* Jacksonville, *Lakeland, Leesburg,* Miami, North Miami, *Orlando, Pensacola, St. Petersburg,* Tampa, *West Palm Beach*

Georgia: *Albany, Athens,* Atlanta, *Augusta,* Columbus, *Gainesville,* Hapeville, *Macon, Rome,* Savannah, *Thomasville, Valdosta*

Hawaii: Honolulu

Idaho: *Boise*

Illinois: Chicago, Springfield

Indiana: *Evansville,* Indianapolis, South Bend

Iowa: *Burlington, Cedar Rapids, Davenport,* Des Moines, *Fort Dodge, Mason City, Sioux City, Waterloo*

Kansas: *Pittsburg, Salina, Topeka,* Wichita

Kentucky: *Ashland*, Lexington, Louisville, *Middlesboro*, *Pikeville*

Louisiana: *Alexandria*, Baton Rouge, *Hammond*, *Houma*, *Lafayette*, *Lake Charles*, *Monroe*, New Orleans, Shreveport

Maine: Portland

Maryland: Baltimore, College Park, *Hagerstown*, *Salisbury*

Massachusetts: Boston, *Lowell*, Springfield, Worcester

Michigan: Detroit, Grand Rapids, *Lansing*

Minnesota: Minneapolis

Mississippi: *Biloxi*, *Columbus*, *Clarksdale*, *Greenwood*, *Hattiesburg*, Jackson, *Tupelo*

Missouri: *Cape Girardeau*, *Columbia*, *Joplin*, Kansas City, *St. Joseph*, St. Louis, *Springfield*

Montana: *Great Falls*

Nebraska: *Grand Island*, *Lincoln*, Omaha

Nevada: *Reno*

New Hampshire: Manchester, *Laconia*

New Jersey: *Camden*, Newark, Paterson, Trenton

New Mexico: Albuquerque, *Las Cruces*, *Roswell*

New York: *Albany*, Bronx, Brooklyn, Buffalo, Hempstead, New York, *Rochester*, Syracuse

North Carolina: *Asheville*, Charlotte, *Durham*, *Fayetteville*, *Goldsboro*, Greensboro, *Hickory*, *High Point*, Raleigh, *Wilmington*, *Winston-Salem*

North Dakota: *Bismarck*

Ohio: Cincinnati, Cleveland, Columbus

Oklahoma: *Ardmore*, *Enid*, *Lawton*, Muskogee, Oklahoma City, Tulsa

Oregon: Eugene, Medford, Portland, Selma

Pennsylvania: Allentown, Altoona, Chester, DuBois, Erie, Greensburg, Harrisburg, Indiana, Johnstown, Lancaster, Lewistown, McKeesport, New Castle, Philadelphia, Pittsburgh, Reading, Scranton, Uniontown, Washington, Wilkes-Barre

Rhode Island: Providence

South Carolina: Charleston, Columbia, Florence, Greenville, Spartanburg

South Dakota: Aberdeen, Rapid City, Sioux Falls

Tennessee: Bristol, Chattanooga, Columbia, Jackson, Johnson City, Knoxville, Memphis, Nashville

Texas: Abilene, Amarillo, Austin, Beaumont, Corpus Christi, Dallas, El Paso, Fort Worth, Galveston, Harlingen, Houston, Laredo, Longview, Lubbock, Lufkin, Midland, Odessa, Paris, San Antonio, Texarkana, Tyler, Victoria, Waco, Wichita Falls

Utah: Ogden, Salt Lake City

Vermont: Burlington, Montpelier

Virginia: Alexandria, Norfolk, Richmond, Roanoke, Waynesboro

Washington: Seattle, Spokane, Tacoma

West Virginia: Bluefield, Charleston, Clarksburg, Huntington, Logan

Wisconsin: Madison, Milwaukee, Oshkosh

Wyoming: Casper, Cheyenne

Puerto Rico: Arecibo, Caguas, Hato Rey, Mayaguez, Ponce, Santurce

Canal Zone, Virgin Islands: Santurce, Puerto Rico

American Samoa, Eniwetok Atoll, Guam, Johnston Island, Kwajalein Atoll, Wake Island: Honolulu, Hawaii

STATE AGENCIES

Labor Offices and Human Rights Commissions

Alabama: *Department of Industrial Relations*, Industrial Relations Building, Montgomery, 36104

Alaska: *Department of Labor*, P.O. Box 1149, Juneau, 99801. *State Commission for Human Rights*, 5th Floor, McKay Building, 338 Denali Street, Anchorage, 99501

Arizona: *Industrial Commission*, 1601 West Jefferson Street, P.O. Box 19070, Phoenix, 85005. *Arizona Civil Rights Commission*, 1502 West Jefferson Street, Phoenix, 85007

Arkansas: *Department of Labor*, Capitol Hill Building, Little Rock, 72201

California: *Department of Industrial Relations*, 455 Golden Gate Avenue, San Francisco, 94101 (Includes Division of Fair Employment Practices)

Colorado: *Department of Labor and Employment*, 200 East Ninth Avenue, Denver, 80203. *Colorado Civil Rights Commission*, Room 312, State Services Building, 1525 Sherman Street, Denver, 80203

Connecticut: *Labor Department*, 200 Folly Brook Boulevard, Wethersfield, Hartford, 06115. *Commission on Human Rights and Opportunities*, 90 Washington Street, Hartford, 06115

Delaware: *Department of Labor*, 801 West Street, Wilmington, 19899

District of Columbia: *Minimum Wage and Industrial Safety Board*, Room 615, 614 H Street NW., Washington, D.C. 20001. *District of Columbia Human Relations Commission*, Room 5, District Building, 14th and E Streets NW., Washington, D.C. 20036

Florida: *Division of Labor and Employment Opportunities*, Caldwell Building, Tallahassee, 32304

Georgia: *Department of Labor*, State Labor Building, Atlanta, 30334

Guam: *Department of Labor*, Government of Guam, P.O. Box 2950, Agana, 96910

Hawaii: *Department of Labor and Industrial Relations*, 823 Mililani Street, Honolulu, 96813

Idaho: *Department of Labor*, Industrial Administration Building, 317 Main Street, Boise, 83707

Illinois: *Department of Labor*, 160 North LaSalle Street, Chicago, 60601. *Fair Employment Practices Commission*, 9th Floor, 189 West Madison Street, Chicago, 60602

Indiana: *Division of Labor*, Indiana State Office Building, Room 1013, 100 North Senate Avenue, Indianapolis, 46204. *Civil Rights Commission*, 410 State Office Building, 100 Senate Avenue, Indianapolis, 46204

Iowa: *Bureau of Labor*, State House, East Seventh and Court Avenue, 4th Floor, Des Moines, 50319. *Iowa Civil Rights Commission*, State Capitol Building, Des Moines, 50319

Kansas: *Department of Labor*, 401 Topeka Avenue, Topeka, 66603. *Commission on Civil Rights*, State Office Building, Topeka, 66612

Kentucky: *Department of Labor*, State Office Building, Annex, Frankfort, 40601. *Commission on Human Rights*, 26 Capitol Annex Building, Frankfort, 40601

Louisiana: *Department of Labor*, 205 Capitol Annex, P.O. Box 44063, Baton Rouge, 70804

Maine: *Department of Labor and Industry*, State Office Building, Augusta, 04330. *Maine Human Rights Commission*, State Office Building, Augusta, 04330

Maryland: *Department of Licensing and Regulation*, 203 East Baltimore Street, Baltimore, 21202 (Includes Division of Labor and Industry). *State of Maryland Commission on Human Relations*, Mount Vernon Building, 701 St. Paul Street, Baltimore, 21202

Massachusetts: *Department of Labor and Industries*, State Office Building, Government Center, 100 Cambridge Street, Boston, 02202. *Commission Against Discrimination*, 120 Tremont Street, Boston, 02108

Michigan: *Department of Labor*, 300 East Michigan Avenue, Lansing, 48913. *Civil Rights Commission*, 1000 Cadillac Square Building, Detroit, 48226

Minnesota: *Department of Labor and Industry*, 110 State Office Building, St. Paul, 55155. *Department of Human Rights*, 60 State Office Building, St. Paul, 55155

Mississippi: *Employment Security Commission*, P.O. Box 1699, Jackson, 39205

Missouri: *Department of Labor and Industrial Relations*, 1904 Missouri Boulevard, Jefferson City, 65101. *Missouri Commission on Human Rights*, 314 East High, Jefferson City, 65101

Montana: *Department of Labor and Industry*, 1331 Helena Avenue, Helena, 59601

Nebraska: *Department of Labor*, Box 94600, State House Station, Lincoln, 68509. *Equal Opportunity Commission*, 233 South 14th Street, Lincoln, 68508

Nevada: *Department of Labor*, Room 214, 111 West Telegraph Street, Carson City, 89701. *Nevada Commission on Equal Rights of Citizens*, 215 East Bonanza Road, Las Vegas, 89101

New Hampshire: *Department of Labor*, 1 Pillsbury Street, Concord, 03301. *New Hampshire Commission for Human Rights*, 166 South Street, Concord, 03301

New Jersey: *Department of Labor and Industry*, Labor and Industry Building, John Fitch Plaza, Trenton, 08625

New Mexico: *Labor and Industrial Commission*, 137 East De Vargas Street, Santa Fe, 87501. *Human Rights Commission*, Room 121, Villagra Building, 408 Galisteo Street, Santa Fe, 87501

New York: *Department of Labor*, State Campus, Albany, 12226. *Division of Human Rights*, 270 Broadway, New York City, 10007

North Carolina: *Department of Labor*, P.O. Box 1151, Raleigh, 27602

North Dakota: *Department of Labor*, State Capitol, Bismarck, 58501

Ohio: *Department of Industrial Relations*, 220 Parsons Avenue, Columbus, 43215. *Civil Rights Commission*, 240 Parsons Avenue, Columbus, 43215

Oklahoma: *Department of Labor*, State Capitol, Oklahoma City, 73105

Oregon: *Bureau of Labor*, 115 Labor and Industries Building, Salem, 97310. *Women's Equal Employment Opportunity*, 1400 SW. Fifth Avenue, Portland, 97201

Pennsylvania: *Department of Labor and Industry*, Labor and Industry Building, Harrisburg, 17120. *Pennsylvania Human Relations Commission*, 100 North Cameron Street, Harrisburg, 17101

Puerto Rico: *Department of Labor*, 414 Barbosa Avenue, Hato Rey, 00917

Rhode Island: *Department of Labor*, 235 Promenade Street, Providence, 02908. *Commission for Human Rights*, 244 Broad Street, Providence, 02903

South Carolina: *Department of Labor*, 1710 Gervais Street, P.O. Box 11329, Columbia, 29211

South Dakota: *Department of Labor and Management Relations*, State Capitol Building, Pierre, 57501

Tennessee: *Department of Labor*, CI-100 Cordell Hull Building, Nashville, 37219

Texas: *Bureau of Labor Statistics*, Box 12157, Capitol Station, Austin, 78711

Utah: *Industrial Commission*, 438 State Capitol Building, Salt Lake City, 84114

Vermont: *Department of Labor and Industry*, State Office Building, Montpelier, 05602

Virginia: *Department of Labor and Industry*, P.O. Box 1814, Ninth Street Office Building, Richmond, 23214

Virgin Islands: *Department of Labor*, P.O. Box 708, Christiansted, St. Croix, 00820

Washington: *Department of Labor and Industries*, General Administration Building, P.O. Box 207, Olympia, 98501. *Washington State Human Rights Commission*, 1411 Fourth Avenue Building, Seattle, 98101

West Virginia: *Department of Labor*, Capitol Complex, 1900 Washington Street, East, Charleston, 25305. *State Human Rights Commission*, 1591 East Washington Street, Charleston, 25305.

Wisconsin: *Department of Industry, Labor and Human Relations*, Hilldale Centre Building, 310 Price Place, Madison, 53705 (Includes Equal Rights and Standards Division)

Wyoming: *Department of Labor and Statistics*, 304 Capitol Building, Cheyenne, 82001. *Fair Employment Practices Commission*, 304 Capitol Building, Cheyenne, 82001

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